

IN THE UNITED STATES DISTRICT COURT  
FOR THE MIDDLE DISTRICT OF TENNESSEE  
NASHVILLE DIVISION

CARL T. HALEY JR,	)	
	)	
Plaintiff,	)	
	)	Case No.
v.	)	
	)	
	)	
FIREMAN'S FUND INSURANCE	)	
COMPANY,	)	
	)	
Defendant.	)	

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**DEFENDANT FIREMAN'S FUND INSURANCE COMPANY'S  
NOTICE OF REMOVAL**

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Defendant Fireman's Fund Insurance Company (hereinafter "Fireman's Fund") respectfully files this Notice of Removal to remove to this Court an action initiated against it in the Williamson County Chancery Court, pursuant to the provisions of 28 U.S.C. §§ 1332 & 1441. In support hereof, Fireman's Fund shows this Honorable Court as follows:

1. This action is removable to this Court pursuant to 28 U.S.C. § 1332 based upon diversity jurisdiction.
2. On or about April 14, 2015, Plaintiff filed the action styled *Carl T. Haley, Jr. v. Fireman's Fund Insurance Company*, Case No. 44043 in the Williamson County Chancery Court ("Complaint").
3. In accordance with 28 U.S.C. § 1446(a), a copy of the Complaint filed in the Chancery Court action has been attached hereto as Exhibit A.
4. In accordance with 28 U.S.C. § 1446(d), Fireman's Fund has given prompt written notice to all parties, which is attached as Exhibit B, and has filed a separate Notice of Filing of

Notice of Removal with the Williamson County Clerk and Master, which is attached as Exhibit C, contemporaneously with the filing of this Notice.

5. This Notice is being filed pursuant to 28 U.S.C. §1446(b) within thirty (30) days of Fireman's Fund receipt and notice of the Complaint filed in the original State court action.

6. This action is removable to this Court based upon diversity of citizenship, which exists between the parties.

7. Plaintiff alleges in his Complaint that he is a resident of the State of Tennessee.

8. Defendant Fireman's Fund is a California corporation with its principal office located at 777 San Marin Drive, Novato, California 94998. This case involves a claim for declaratory judgment and a claim for monetary damages against Defendant Fireman's Fund stemming from causes of action for breach of contract and bad faith asserted by Plaintiff.

9. Plaintiff contends that Fireman's Fund improperly, and in bad faith, denied insurance coverage to Plaintiff pertaining to claims related to an automobile accident. Plaintiff additionally claims that Fireman's Fund improperly, and in bad faith, refused to defend him in the underlying lawsuits stemming from the automobile accident.

10. Plaintiff seeks recovery of damages in an unspecified amount. However, he seeks punitive damages, statutory bad faith damages, compensatory and consequential damages and reimbursement of all costs and attorney's fees incurred in defending the underlying lawsuit. The demand in the underlying tort case is for \$3,000,000 and there is no dispute that the amount in controversy in this matter is in excess of \$75,000.00.

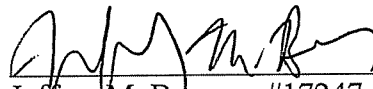
11. Because diversity of citizenship exists between the parties and the matter in controversy exceeds the sum of \$75,000.00, exclusive of interest and costs, this Court has original jurisdiction over the controversy pursuant to 28 U.S.C. §1332(a).

12. Fireman's Fund is therefore entitled to remove this action to the United States District Court for the Middle District of Tennessee, pursuant to 28 U.S.C. §1441(a).

WHEREFORE, Defendant Fireman's Fund Insurance Company prays that the Williamson County Chancery Court proceed no further with *Carl T. Haley, Jr. v. Fireman's Fund Insurance Company*, Case No. 44043, and that said action be removed to this Honorable Court. Defendant Fireman's Fund Insurance Company further requests that there be a trial by jury of twelve (12) with respect to all issues so triable.

Respectfully submitted this 6<sup>th</sup> day of May 2015.

DICKINSON WRIGHT PLLC



Jeffrey M. Beemer, #17247  
Fifth Third Center, Suite 1401  
424 Church Street  
Nashville, TN 37219  
(615) 244-6538  
(615) 256-8386 (fax)


BUSBY & NEGIN, INC.

Ronald F. Negin, Esq.  
Georgia Bar No. 537190  
Eric M. Jenniges, Esq.  
Georgia Bar No. 222426  
8200 Roberts Drive  
Suite 201  
Atlanta, GA 30350  
Telephone: (470) 275-3042  
Facsimile: (470) 395-1929

**CERTIFICATE OF SERVICE**

I hereby certify that a true and exact copy of the foregoing has been forwarded by U.S. Mail, postage prepaid, on this the 6<sup>th</sup> day of May, 2015, to:

Paul S. Davidson  
Mark M. Bell  
Waller Lansden Dortch & Davis, LLP  
511 Union Street, Suite 2700  
Nashville, TN 37219

  
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Jeffrey M. Beemer

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